

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

IN RE:

TYSON FOODS INC., CHICKEN RAISED
WITHOUT ANTIBIOTICS CONSUMER
LITIGATION

Case No. 1:08-md-01982-RDB

**PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Plaintiffs hereby move for preliminary approval of a proposed class action settlement in this litigation pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, and state as follows:

1. A preliminary evaluation shows that the proposed settlement appears fair, i.e., the result of good-faith bargaining at arm's length, without collusion.
2. A preliminary evaluation shows that the proposed settlement appears adequate, i.e., providing adequate consideration to the proposed class under the circumstances, including the strengths and weaknesses of the case, and the delay, expense, and risk of continued litigation.
3. Accordingly, the proposed settlement falls within the range of possible final approval, and there is probable cause to notify the class of the settlement.
4. Therefore, Plaintiffs request that the Court grant preliminary approval of the proposed settlement; direct that notice be given to the class in the manner proposed; and set a final fairness hearing to determine whether the settlement should be granted final approval, and whether and in what amount the application of Plaintiffs' counsel for attorneys' fees and expenses should be granted.

5. In support of this motion, Plaintiffs submit the accompanying memorandum of points and authorities; the accompanying Declaration of James P. Ulwick, to which is attached the Settlement Agreement and General Release setting forth the proposed settlement; and a proposed order.

Dated: January 12, 2010

Respectfully submitted,

/s/ James P. Ulwick

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